

REMARKS

Reconsideration of the subject application is requested in view of the foregoing amendments and the following remarks.

Claims 1-7, 9, 10, 15, 17-21, 23 and 29-30 are pending in the application, with claims 1, 9, 15, 19, 20-21, 29 and 30 being independent. Claims 12-14 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claim 30, which recites compounds IIa-1, 2, 3, 5, 7, 8, 9 as disclosed in Table 1 of the specification, has been newly added.

Obviousness-type double patenting rejection

Claims 1-7, 9-10, 12-15, 17-21, 23 and 29 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-23 of U.S. Patent No. 6,664,247. Claims 12-14 have been canceled as discussed earlier. Without conceding the propriety of this rejection, Applicants are, in order to expedite prosecution of the present application, submitting a terminal disclaimer together with the present Response and disclaiming any term of a patent issuing from the present application that is in excess of the term of U.S. Patent No. 6,664,247. Applicants submit that the double-patenting rejection of claims 1-7, 9-10, 15, 17-21, 23 and 29 will be overcome upon submission of the terminal disclaimer.

Provisional obviousness-type double patenting rejections

Claims 1-7, 9-10, 12-15 and 17-18 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 34-36 of copending U.S. Application No. 10/464,430. This copending application has been abandoned, as indicated in the communication from the examiner in that case dated November 1, 2007. For that reason, the Applicants respectfully request that the Examiner withdraw this rejection.

Claims 1-7, 9-10, 12-15 and 17-18 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 34-56 of copending U.S. Application No. 11/500,981. Claims 12-14 have been canceled as discussed earlier. Without conceding the propriety of the provisional rejection, Applicants respectfully request that

the rejection be held in abeyance until either the present application or U.S. Application No. 11/500,981 is deemed to be in condition for allowance.

Rejections under 35 U.S.C. §112, first paragraph

Claims 12-14 were rejected under 35 U.S.C. §112, first paragraph, because, according to the Final Office Action, the specification does not reasonably provide enablement for a method of inhibiting Aurora-2, GSK-3, or Src activity in a biological sample, or a method of inhibiting Aurora-2 activity in a patient.

Without conceding the propriety of this rejection, Applicants have, in order to expedite prosecution of the present application, canceled claims 12-14 without prejudice to or disclaimer of the subject matter recited therein.

Conclusion

In view of the above, Applicants submit that the subject application is in condition for allowance. Favorable consideration and passage to issue of the application are respectfully requested.

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Respectfully submitted,

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